

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 92-CR-80236-DT

FELIX WALLS,

Defendant.

/

ORDER SETTING BRIEFING SCHEDULE AND ADJOURNING RE-SENTENCING

This matter is before the court on remand from the United States Court of Appeals for the Sixth Circuit for re-sentencing in light of the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005). On May 2, 2006, the parties appeared before the court for re-sentencing. During the hearing, Defendant Felix Walls requested additional time to file a motion attacking this court's jurisdiction. As expressed during the May 2, 2006 hearing, the court will allow Defendant four weeks to file such a motion. The court will also allow additional time for both parties to submit sentencing briefs.

Accordingly,

IT IS ORDERED that Defendant Walls shall file any motion attacking this court's jurisdiction by **May 30, 2006**. The Government shall file its response to any such motion on or before **June 13, 2006**. No reply shall be filed. A hearing on the matter is tentatively scheduled for **June 29, 2006 at 2:00 p.m.** The parties are on notice, however, that the court may cancel the hearing or convert it to a re-sentencing hearing, if the jurisdictional motion is resolved prior to the hearing. The parties should therefore

be prepared for a re-sentencing hearing on **June 29, 2006**, in the event the jurisdictional motion is denied.

IT IS FURTHER ORDERED that any pre-sentence memorandum must be filed by Defendant no later than **June 19, 2006**. The Government's pre-sentence memorandum is also due on **June 19, 2006**. Any exhibits or other material either party seeks to have the court consider must be submitted to the court by lodging the same with the judge's chambers by the same date. **NO NEW MATERIAL SUBMITTED ON THE DAY OF SENTENCING WILL BE CONSIDERED**, absent extraordinary circumstances.

As set forth in this court's March 13, 2006 order, Defendant's stand-by attorney and the Government's counsel may each make an allocution statement limited to **TEN MINUTES**. Defendant Walls, however, may make an allocution statement limited to **TWENTY MINUTES**. A written allocution statement limited to five pages, signed and authored by Defendant, may be submitted in lieu of oral allocution, but must be filed by the date established for pre-sentence briefing (April 19, 2006).

Absent any unusual or unforeseen event, no further extensions or adjournments will be granted.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 9, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 9, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522
